

LEGISLATION AND LEGISLATORS

EMINENT DOMAIN BILL IS PASSED

Right Is Given Smelting Companies to Condemn Ground for Distribution of Fumes.

WILL HELP TOOELE COUNTY \$5,000,000 ENTERPRISE IN PINE CANYON.

The senate yesterday unanimously passed house bill No. 85, granting to smelters the right of eminent domain. The bill is one of the big measures before the legislature, and it now requires only the signature of the governor to become a part of the laws of the state. It is easily the most important law that has been passed by both houses of the legislature.

The bill was introduced as the result of the so-called "smelter smoke" cases, in which farmers whose crops were damaged by the fumes from smelters enjoyed the smelters from operating. In order that they might continue to operate a bill was introduced in the last legislature similar to the one passed by the senate yesterday. The bill passed both houses of the legislature, but was vetoed by the governor after the session had adjourned.

The bill passed yesterday is more restrictive than the one of two years ago. It provides that the power of eminent domain shall not be operative unless the smelting company has options on 75 per cent of the property within the four-mile radius. The law is made applicable in counties of less than 20,000 population.

Particular application of the new law is made in the construction of the big smelting project at the mouth of Pine canyon in Tooele county, near Tooele City. It was largely because of the proposed construction of this big enterprise that the bill was introduced. This smelter is to be constructed by the International Mining & Smelting company at a cost of approximately five millions of dollars.

The company constructing the big smelter has already options on more than 90 per cent of the property within the four-mile radius and considerable even beyond that radius. The bill gives the company the right to condemn the other 10 per cent within the four-mile radius, in order that it may own the actual property or hold options on that property on which the dust and fumes from the smelter are likely to settle and do damage.

When the bill came up for final passage Senator Horsley asked that the bill go over until Thursday that some of his constituents from Tooele county, who were opposed to the measure, might be given an opportunity to be heard. When Senator Bonner X. Smith explained that all of those interested on either side had been given ample opportunity to be heard, Senator Horsley withdrew his request. On the roll call every senator voted in favor of the bill, including Senator Marks, who two years ago led the fight in the house against a similar bill.

DIVORCE MEASURES ON FINAL PASSAGE

Radical revision of the present divorce laws is contemplated in two bills which are on the calendar for final passage in the senate today. The bills were introduced for the purpose of lessening the incentive for securing divorces. The bills are a part of a series of divorce measures introduced by Senator Badger, one of which has already passed the senate. Senate bill No. 63 amends the law relating to the grounds upon which a divorce may be granted. It provides that whenver non-support or habitual drunkenness is charged the evidence must show that the offenses alleged had extended over a period of more than one year.

The most important of the divorce measures is senate bill No. 73, which forbids a remarriage after a divorce has been granted. The bill provides that no court may issue a final decree after a divorce case has been heard. The decree to be entered is an interlocutory decree, which shall become absolute in six months from the time it is entered. No remarriage can take place within the six months following, which time is allowed for an appeal, and if an appeal is taken no remarriage may occur until after the affirmation of the decree. Senate bill No. 74, which amends the divorce laws, provides that all divorce hearings shall be public, and that no testimony may be taken by a referee or master.

MURDER CLAUSE STRICKEN FROM RAILROAD BILL

Senate bill No. 108, by Hulaniski, providing that persons are guilty of a felony who remove or destroy any part of a railroad locomotive or cars, was yesterday favorably reported by the house committee on public safety. The committee struck out the clause providing that the theft or removal of the brasses that might retain the wheels on the axle in case of accident due to the defect in the mechanism created by this removal should be deemed guilty of murder.

There are many things to be bought in MARCH

For Instance—
COLD CREAM
CAMPHOR ICE
SKIN CREAM and
SKIN FOODS

Everything you need can be found at

The B. F. Ott Drug Co's Up-to-Date Store

Bellevue, New Colonial, Ind. 28.
50 East Third South

SKIRMISH MOVE MADE IN SENATE

Anti-Pass Bill Introduced by Leader of Fight for Railroad Commission.

As a "skirmish move" in his fight to secure the passage of a bill providing for a public service commission, to have supervision of all public utilities, Senator Carl Badger, chairman of the senate committee on railroads, and author of the public service commission bill, yesterday introduced an anti-pass bill in the senate. The bill is an exact copy of the anti-pass features of the commission bill except that all reference to a commission is eliminated. The bill provides that no free transportation may be issued by a railroad to anyone, except its employees and their families, ministers of the gospel, inmates of hospitals, charitable workers, indigent persons, and government agents. The proposed law does not prevent the interchange of transportation by railroad companies, nor the exchange of passenger transportation for advertising space in newspapers. The bill went to the committee on railroads.

The portion of the commission bill with reference to the granting of free transportation was eliminated by the committee before the bill is reported out of committee. When the bill is finally reported it will be a great deal shorter than at present, its condensation being due to the fact that owing to the brief space of time left in the session the senate did not have time to consider carefully such a long bill.

Before any report is made on the bill by committee a caucus of the Salt Lake county delegation in the legislature will be held in order to determine whether or not the Salt Lake county senators and representatives will support the bill. In the house the bill has been introduced embodying all of the railroad regulations in the commission bill without creating a governing commission.

TELEPHONE MEASURES GO OVER FOR DAY

When the adverse reports on house bills 103, 104 and 111 came up in the house yesterday there was an animated discussion. The first of the measures provided for the interchange of telephone connections and exchanges by companies doing business in this state. The second provides for the regulating and fixing of rates for telephone rentals. The third makes it a misdemeanor to require deposits for the installation or use of meters or measuring devices.

Mr. Clegg asked, as a special request, that these bills go over until tomorrow, as he is deeply interested in the measures, was absent. Mr. Clegg made a speech, in which he defined his position on at least one of these measures, the meter bill. He declared that the people of Salt Lake are being robbed. Mr. Pink said he had noted that the charges for telephone service were about twice as high in Salt Lake as in other cities. Neither the remarks nor the "remarks" being germane or in order, at that time, it was decided that the house that both should be eliminated.

IMPORTANT BILLS ON LONG CALENDAR

The senate calendar of bills on final passage today contained several important measures, including the Torrens land act and the divorce bills. The calendar follows:

Special order—
S. B. 97, by Hulaniski, providing for the Torrens system of land registration.
S. B. 124, by Stookley, setting aside a permanent maintenance fund for the improvement of the branch normal and the agricultural college.
S. B. 74, by Bullen, making the governor president of the state board of land commissioners.
S. B. 94, by Badger, giving city councils powers to levy special taxes for park and lawn improvement and to regulate manufacture and sale of food products.
S. B. 65, by Badger, modifying the grounds on which divorces may be granted.
S. B. 77, by Badger, forbidding remarriage after a divorce has been granted.
S. B. 154, by Bullen, defining high school districts.
S. B. 133, by committee on agriculture and irrigation, defining the duties of the state engineer with reference to granting water rights.
S. B. 114, by Miller, setting aside one-half mill tax for support of high schools.
S. B. 82, by Seely, providing that notice of tax sales must be sent to taxpayers.
S. B. 101, by Bullen, creating a state test school for children.
H. B. 31, by Holman, compelling persons of the peace to hold inquests in all cases of sudden death.
S. B. 106, by Hyatt, prohibiting importation of tuberculous cattle.
S. B. 177, by committee on public health, creating the position of state bacteriologist.
S. B. 175, by committee on live stock, improving breed of range cattle.
S. B. 107, by Wilson, creating a reservoir land grant fund.
S. B. 141, by J. Y. Smith, permitting exchange of irrigation waters.
S. B. 123, by Badger, fixing fees of county recorders.
S. B. 130, by Badger, relating to the filling of water rights.
S. B. 131, by Badger, requiring the filing of real estate decrees.
S. B. 132, by Badger, relating to the filling of acknowledgments.
S. B. 144, by Wilson, providing for the creation of non-counties.
S. B. 109, by Badger, fixing a uniform width of city streets.
S. B. 108, by Badger, providing that poor persons need not file a cost bond in instituting suits.
S. B. 113, by Badger, strengthening securities in accepted bonds.

HOUSE RULES AMENDED TO SHUT OFF STEAM

The house yesterday amended its rules limiting time of debate on the floor. The motion was made by Mr. McMillan of Salt Lake county, who said that it was high time that the house got down to business and quit frittering away the precious hours that are left in the few days yet remaining of the session. Many said that inasmuch as all, or practically all, the work was done in committee, that the oratory that had been, is being and probably will be poured out upon innocent and unoffending ears would probably not advance the single vote. The rule, No. 28, was therefore changed so that the opening and closing shall be limited to three minutes, and that no member shall exceed three minutes and shall speak only once on any subject. There is another rule, however, which permits any member giving his time to another.

LAMBARDI OPERA COMPANY Salt Lake, March 4 and 6.

Excursion via Oregon Short Line from Ogden and intermediate points. One fare for round trip. Tickets good returning day after performance.

LEGISLATURE BRIEFS.

Owing to the fact that nearly one-third of the members were given permission to withdraw in order to take the Logan train, on Monday Mr. Morris, the house deferred consideration of bills on the calendar until a larger number of members is present.

The committee on livestock yesterday introduced a bill, No. 226, which is a substitute for a previous bill, relating to the improvement of sires on the public range. A house bill introduced yesterday amends the present law relating to municipal boards of health, in that it requires that the health officer shall hold a certificate or license from the state board of medical examiners.

Senate bill No. 25, relating to employment agents, was yesterday signed by the speaker of the house.

On the request of the senate, house bill No. 27 was returned to that body for further action. This is a measure for the creation of an examining board in connection with the school of mines at the university.

House bill No. 183 was killed in the house yesterday by the adoption of the adverse report of the judiciary committee. This bill related to salaries of county officers. House bill No. 175, relating to officers performing duties in the serving of processes without fees, was also killed. At the request of Mr. Morris, who spoke on behalf of Mr. Hammond, house bill No. 187, the race suicide bill, went over until today in order that Mr. Hammond, its author, might speak on it.

House joint resolution No. 7, by Mr. Morris, relating to macadamizing the capitol grounds, carrying an appropriation of \$3,500, was yesterday reported favorably by the house judiciary committee.

At the request of Mr. Dyring, the consideration of the adverse report on house bill No. 87, in regard to suspension of taxes of indigent persons, went over until today.

Two bills relating to the establishment of post boxes—that is, defining the limits of distances from public highways, were killed by the judiciary committee yesterday. This action probably will have the effect of preventing Salt Lake county establishing an isolation hospital for the care of smallpox patients on the site under consideration to the northwest of the city.

House bill No. 182, referring to the amount of fees that may be charged by the secretary of state, was reported favorably.

Favorable report and adoption by the house were had on Hedges' bill diverting the sheep inspection fund money to the fund for the extermination of wild animals.

Favorable report was made on house bill No. 208, by McRae, relating to property exempt from taxation. This bill amends the present law by including pumping plants for irrigation works when used in connection with the irrigation of lands possessed by the owners.

King's house bill No. 96 was favorably reported for passage yesterday. It relates to the settlement of county boundary line disputes by boards of engineers and surveyors.

With amendments, Henrie's house bill No. 161, was reported favorably. The bill provides for the creation of a bounty fund, a tax on certain classes of livestock, and for the destruction of wild animals, and the manner of collecting bounty thereon.

The senate committee on live stock yesterday introduced a substitute bill for one originally introduced by Senator Wilson. The bill provides for the improvement of the breed of range cattle by the importation of pure-blood stock.

After considerable discussion the bill enlarging the powers of city councils was laid over in the senate yesterday, to be a special order for 3 o'clock on Thursday.

Senate joint resolution No. 6, requesting the passage of an amendment to work for the passage of an amendment to the interstate commerce act to forbid the taking of intoxicants into prohibition states, was taken from the table yesterday and referred to the committee on manufactures and commerce.

The public health committee of the senate yesterday reported favorably on the bill of Hyatt Schindler, relating to the importation of tuberculous cows into Utah.

The senate judiciary committee yesterday reported favorably on six bills, all of which were introduced by Senator Badger. Four relate to the manner of conducting election of fees in the county recorder's office; one provides that poor persons may institute proceedings for enforcing a cost bond, and one safeguards the state against so-called "straw bonds."

The bill providing for the adoption of the Torrens system of land titles is made a special order for final passage in the senate this afternoon at 2:30 o'clock.

Senator Alonso Brinkerhoff, who represents an area equal to one-third of the entire state, entertained the members of the press who came to the senate at a delightful dinner at the Chesapeake cafe last evening.

The senate committee on county and municipal corporations yesterday reported favorably on Senator Wilson's bill permitting the creation of new counties, and on other counties, providing that the counties affected may vote to do so. The bill is a step toward the consolidation of the county out of parts of Utah and Wasatch counties.

Two important bills were reported favorably yesterday by the senate committee on agriculture and irrigation. One creates a state irrigation reserve fund and the other permits the exchange of waters for irrigation purposes.

The house will meet at 10:30 o'clock this forenoon.

HEALTH BOARD BILL KILLED BY SENATE

Senator Stookley's bill enlarging the state board of health, changing the duties of the board and creating state laboratories was killed yesterday by the adoption of an adverse committee report of the senate committee on public health. The bill enlarged the membership of the state board of health and increased its powers.

One of the chief objections to it was the fact that it made two professors of the university and one instructor at the agricultural college members of the board. The contention was made that these additions to the board so changed its composition as to make it an entirely different body. It was argued that the present board and its work are entirely satisfactory.

Another bill by Senator Stookley which was killed by the committee was a measure making the director of the chemical laboratory of the state university the state chemist.

As a substitute for the bills killed the public health committee reported favorably on a new bill making the professor of bacteriology and pathology at the university the state bacteriologist.

WILL FORM A PRECEDENT. Washington, March 1.—For the first time in history the wives of the president and vice president will participate in the inaugural parade. Mrs. Taft and Mrs. Sherman will join their husbands when they leave the capitol after the inauguration ceremony and proceed with them to the White house.

BILL ADDED AT DEBTORS KILLED

Adoption of Minority Report in House Puts Limit on Seizure of Property.

By the adoption of the minority and adverse report on house bill No. 165, by McCracken, the house yesterday squelched a measure designed to give collection agencies the right to attach people's property before judgment is rendered, or practically any legal proceeding takes place. It is one of the measures which are being adroitly sidled into the house aimed at the upsetting of all the anti-collection agency legislation passed two years ago.

The section proposed to be added to the present law is known as the "show string" (Or who) has refused to pay the agreed purchase price and value of any merchandise delivered him at his request, or has refused to pay the price and value of any work and labor performed for him at his request.

In the course of the discussion, Mr. Russell asked Mr. Clegg: "How much additional power will this give Francis G. Locke?"

"Unlimited," replied Mr. Clegg. In effect, the adoption of the section would have left the defendant little recourse. For example, if a disagreement about the price of merchandise arose, the defendant would have his property seized, whether his view of the case were correct or not.

JUDGES MUST PAY THEIR OWN EXPENSES

The bill coming from the senate providing that the expenses of judges holding court in counties of their district other than that in which they reside be paid, was adversely reported, and the bill was thereby killed.

A number of attorneys in the house spoke for the bill, saying that the present method works an injustice on the judges, and that the judges in Salt Lake county are overworked.

Mr. Morris said that if the judges in Salt Lake county and this district had a hard time of it, how much more hardship is imposed on the judges of districts in what is known as the "show string."

Mr. Henrie said that the salaries of district judges had twice been increased, and that they were engaged in taking to the judges the salaries of the judges were composed of men who could make much more money in the practice of law, and that they make sacrifices when they accepted nominations.

Mr. Morris said that they well knew what the conditions were when they ran for office.

SENATE PASSES PURE FOOD BILL

After a debate on the best scientific method of cleansing and dressing poultry, the senate yesterday, by a vote of twelve to five, passed senate bill No. 125, which provided that all poultry shall be thoroughly cleansed and drawn within twelve hours after being killed.

Senator Williams, the author of the measure, read bulletins from the agricultural department, declaring that the sale of unclean poultry was injurious to the public health. Senator Horsley vigorously opposed the bill. Finally, a vote was taken, and the bill passed.

Ayes—Badger, Brinkerhoff, Hulaniski, Hyde, Kuchler, Marks, Miller, Seely, St. John, Wilson, and the speaker. Nays—Burton, Horsley, Benner, X. Smith, John Y. Smith, President Gardner.

The measure is one of the pure food bills recommended by John Peterson, state dairy and food inspector.

BILL WOULD TREBLE ADVERTISING RATES

Senator Carl A. Badger yesterday introduced a bill fixing a uniform rate for the publication of legal notices and other advertising required by law. The bill was introduced at the request of a newspaper man.

The rate fixed by the bill is \$1.50 a legal folio of 10 words for each insertion, and 75 cents per folio for each subsequent insertion. This rate trebles the present rates charged by Salt Lake newspapers for such insertion.

At present the newspapers in Salt Lake receive from 20 to 50 cents a folio, and some of the country newspapers a much lower rate.

Senator Badger said he was not familiar with the present advertising rates for legal notices, but he had introduced the bill at the request of a newspaper man and had understood that it would be acceptable to all of the newspapers.

WOULD SINK WELLS FOR DRY FARMING

The senate yesterday voted to appropriate \$75,000 to the state land board with which to conduct experiments in sinking wells to obtain water for ordinary purposes in dry farming sections of the state. The action was on a bill of which Senator J. A. Hyatt is the author.

The bill originally called for an appropriation of \$20,000. This was reduced to \$5,000 by the committee and increased to \$75,000 when the bill was finally acted upon.

President Gardner cast the only vote against the appropriation.

Where Do You Eat?

Merchants' lunch from 11:30 to 2 p. m., with music, 35c. None better, College Inn Cafe.

Just Coal — But the Best

ROCK SPRINGS "Peacock"

Silver Brook Anthracite Always what you order.

Central Coal & Coke Co. 38 South Main Bell Ex. 35. Ind. 2600

NO RECEIVER FOR THE EQUITABLE

United States Supreme Court Sits Down Upon the Application of J. W. Brown.

Washington, March 1.—The supreme court of the United States today reversed the decision of the United States court of appeals for the Second circuit, directing the court for the Southern district of New York to hear the case of J. Wilcox Brown vs. the Equitable Assurance society, involving charges of mismanagement.

Justice Peckham, who announced today's decision, said that had he concluded that there was no cause for Mr. Brown's action and held that he was entitled neither to an accounting nor to the appointment of a receiver.

Mr. Brown claimed to represent himself and the 6,000 other policyholders. He asked for the appointment of a receiver and a general accounting, alleging that all the policyholders were entitled to participate in the division of the surplus. He contended that the distribution of profit had not been as extensive as it should be.

He charged, indeed, that \$10,000,000 more than was necessary had been retained in the treasury of the society and that the maintenance of so large a sum there had resulted in extravagant salaries and other wasteful expenditures. The circuit court dismissed the bill on a demurrer, but the court of appeals held that the bill alleged facts the company must make answer or allow the case to be decided on its merits.

Opinion of the Court.

In the course of his opinion, Justice Peckham considered the effect of a decision along the lines of Mr. Brown's contention, saying:

"If it be held that equity had jurisdiction we must consider the result of a decree in accordance with Mr. Brown's complaint. The corporation is one of the largest in the world, with more than half a million policyholders, with almost incalculable outstanding risks and assets and liabilities and surplus reaching into hundreds of millions."

"To place the institution in the hands of a receiver while it is paying promptly all of its obligations and with undoubted resources to continue to pay them, and is itself engaged in taking to new business under a different management, would be a premature and wholly unnecessary ending of the defendant and one which it would be difficult to characterize as equitable to the interests of hundreds of thousands of people, and really beneficial to none."

SHORT LINE IS UNDER FIRE

Location of Foot Viaduct Calls Forth Hostile Resolution in the Council.

The Oregon Short Line Railway company was under fire at the meeting of the city council last evening. Along with the building of the new depot the company has been building a foot viaduct which, according to the plans submitted to the city council when an ordinance was asked to be on the line of South Temple street, would cross the street over 150 feet north of South Temple street.

Councilman John Holley championed the cause of the west side people and introduced the following resolution:

"Whereas, The Oregon Short Line Railway company has failed to erect a foot viaduct as provided by section 5 of a franchise granted said company, which became effective Oct. 2, 1893, and has erected or is erecting two viaducts, one in Fourth West street without permission of this council; now, therefore, be it

Resolved, That the Oregon Short Line Railway company be instructed to remove the viaducts and to construct a foot viaduct, in Fourth West street, within five days after receiving notice of this resolution, to be by it strictly obeyed."

"Resolved, That no further privileges of any kind be granted the Oregon Short Line Railway company until said company shall comply with section 5 of the franchise granted it by the city council of this city, which became effective Oct. 2, 1893, in regard to the construction of a foot viaduct from Fourth West to Third West street on South Temple street, as shown by a blue print on file in the office of the city recorder of this city."

The last paragraph was stricken out on motion of Councilman Black, though Councilman Holley fought against the change.

The general sentiment among the members was against the railroad, though many of the members did not think it advisable to make threats.

As matters stand the railway company appears to have the council quiescent. When the ordinance was passed providing for the erection of the viaduct the railroad representatives had inserted the words "Over, under or near," referring to the depot. These they explained at the time were only to give them the right to go a few feet from the line established on the blue prints submitted. Upon these words the company is relying for the right to erect the viaduct wherever it pleases in the block.

NEW SMALLPOX CASES.

There were eleven new cases of smallpox on the books of the board of health yesterday. These were: Joe, aged 4 years; Eugene, 10 years; Mildred, 8 years; children of M. F. Ford, 25 South Avenue; Irene, daughter of Thomas Baer, 9 years; 31 years; 22 West Fifth South; Carl Swenson, 11 years; son of J. G. Swenson, 120 South Eighth West; Christina, 34 years; Robert, 10 years; Ben, 13 years; Clarence, 12 years; and Florence Jackson, 7 years, 17 East First South.

POPE HAS A COLD.

Rome, March 1.—The condition of the pope, who has been suffering from a cold, is much better today. He is still somewhat hoarse, and while he is not obliged to remain in bed, Drs. Potazzi and Marchia Fava insist that he shall not yet resume his audiences.

FRUIT TREES FROM CHINA.

Amoy, China, March 1.—Julian H. Arnold, the American consul here, has started a shipment of pomelo or grape fruit trees to the farm of the University of California for experimental purposes. The Amoy pomelos are reputed to be the best in the Orient.

TO CURE A COLD IN ONE DAY

Take LAXATIVE BROMO Quinine Tablets. Druggists refund money if it fails to cure. W. F. GROVE'S signature is on each box. 25c.

STITCHERS ON STRIKE.

Brookton, Mass., March 1.—Alleging unfair treatment in regard to the prices for work, 400 stitchers struck at the W. L. Douglas shoe company's factory in this city today.

"First class in every respect"

is what John Philip Sousa thinks of the Kimball Piano

He is only one out of 190,000 who own "Kimballs" and who have the same opinion.

Clayton-Daynes Music Company 109-113 Main Street

A HOT IRON A COLD HANDLE

ASBESTOS SAD IRONS

Make Ironing a Pleasure.

Scott Hardware Co. Phones 748. 168 Main St.

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